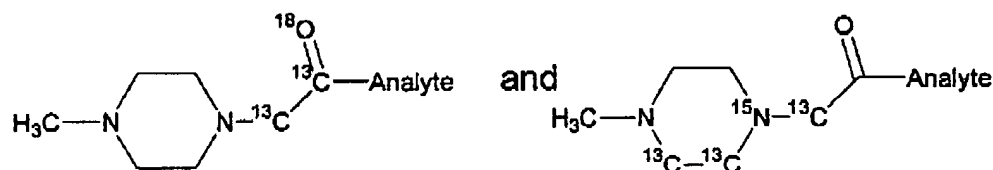


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III. REMARKS1. Restriction

The Restriction Requirement asserts that restriction between claims 1-13 is proper and requests that Applicants elect for further prosecution one of Groups I-II, wherein Group I consists of claims 1-6 and Group II consists of claims 7-13. Applicants elect Group II claims 7-13, without traverse.

At page 3, the restriction requirement further requires Applicants to elect a single disclosed species for prosecution on the merits to which claims shall be restricted if no generic claim is finally held to be allowable. In underlined text, Applicants are requested to "... elect a particular combination of two ore [sic] more compounds from amongst those recited in claims 1 or 8 [it is believed that the Examiner means claims 1 or 7], including a corresponding analyte from amongst the following: ...". Because Applicants are compelled to make said election, Applicants elect the combination of fragment ions derived from labeled analytes of formula:



wherein the analyte is a protein or peptide. Applicants believe that claims 7, 8 and 13 read on this elected combination. Applicants further believe that because of the amendment set forth above, claims 14, 15 and 20 also read on this elected combination.

2. Amendment

The amendment set forth above cancels claims 1-6 pursuant to the Restriction Requirement. The amendment set forth above also clarifies the claim language of claim 7. Antecedent basis for these changes can be found throughout the specification but in particular at page 20, line 11 to page 27, line 10. Newly added claims 14-20 mirror claims 7-13 except that claim 14 does not require that the fragmentation and analysis be performed in a tandem mass spectrometer. Antecedent basis for this amendment can be found throughout the specification but in particular at page 26, line 21 to page 27, line 10.

It is believed that no new matter has been added by this amendment.

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3. Other Co-Pending Applications Owned by Applera Corporation

For the convenience of the Examiner, reference is made to the following copending applications owned by Applera Corporation. The Examiner is invited to review the claims of these applications for consideration of any obviousness type double patenting rejections that he/she may feel is appropriate.

Title	Serial No.	Filing Date
Methods And Mixtures Pertaining To Analyte Determination	10/765,458	27 Jan 2004
Methods And Mixtures Pertaining To Analyte Determination Using Electrophilic Labeling Reagents	10/765,264	27 Jan 2004
Compositions And Kits Pertaining To Analyte Determination	10/765,267	27 Jan 2004
Method And Apparatus For De-Convoluting A Convolved Spectrum	10/916,629	12 Aug 2004
Analysis Of Mass Spectral Data In The Quiet Zones	10/999,638	24 Nov 2004
Active Esters of N-Substituted Piperazine Acetic Acids, Including Isotopically Enriched Versions Thereof	10/751,354	05 Jan 2004
Isotopically Enriched N-Substituted Piperazine Acetic Acids And Methods For The Preparation Thereof	10/751,387	05 Jan 2004
Isotopically Enriched N-Substituted Piperazines And Methods For The Preparation Thereof	10/751,388	05 Jan 2004
Isobarically Labeled Analytes And Fragment Ions Derived Therefrom	10/852,730	24 May 2004
Determination Of Analyte Characteristics Based Upon Affinity Binding Properties	11/069,277	01 Mar 2005
Preparation Of Biologically Derived Fluids For Biomarker Determination By Mass Spectrometry	11/051,807	04 Feb 2005
Isobaric-Coded Mass Tags for Quantitative Protein Analyses with Tandem MS	11/179,060	11 Jul 2005

IV. SUMMARY

It is believed that this response addresses all the issues raised in the present Action and the application is in ready condition for allowance. In consideration of the preceding amendments and remarks, Applicants hereby respectfully request reconsideration of all pending claims and the issuance of a Notice of Allowance by The Office.

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V. INTERVIEW

If the Examiner believes a telephonic or personal interview would advance the prosecution of the subject application, the Examiner is invited to contact attorney Gildea during business hours at the telephone or facsimile numbers listed below.

VI. FEES

Because this response is being filed within the shortened statutory period for response and does not add claims in excess of 3 independent claims or 20 total claims, it is believed that no fee is required for consideration of this response by the Office. If however, The Office determines that any fee is properly due for its consideration of this paper, authorization is hereby granted to charge any required fee associated with the filing or proper consideration of this paper to Deposit Account 01-2213 (Invoice No. BP0309US-CP1).

VII. CORRESPONDENCE/CUSTOMER NUMBER

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IF NOT ALREADY DONE, PLEASE ASSOCIATE THIS CASE WITH CUSTOMER NUMBER

23544

Respectfully submitted
on behalf of Applicants,

Dec 15, 2005
Date

Brian D. Gildea
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